

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

KENNETH D. CHRISTMAN, M.D.,	:	Case No. 1:09CV189
	:	
Plaintiff,	:	Senior Judge Herman J. Weber
	:	
v.	:	
	:	
RUTHERFORD MIDDLETON, JR.,	:	<u>NOTICE OF SUBSTITUTION</u>
	:	
Defendant.	:	
	:	

Please take notice that pursuant to 38 C.F.R. Section 17.56, the United States of America, on behalf of the Veterans Administration, is hereby substituted for the individual defendant, Rutherford Middleton, Jr., with respect to plaintiff's state law cause of action. The grounds for this substitution are:

1. Plaintiff alleges that Rutherford Middleton, Jr. owes plaintiff for medical services rendered.
2. Defendant is a veteran and insured by the Veterans Administration under 38 C.F.R. Section 17.56.
3. The United States of America, on behalf of the Veterans Administration is the proper statutory party responsible for veterans medical care and treatment.
4. The United States is the real party in interest as the responsible party for veterans medical care and treatment.

Based upon the foregoing, the United States has been substituted as the sole defendant with respect to the state law cause of action alleged in plaintiff's Complaint.

An Order amending the caption of this case to reflect the substitution of the United States and allowing 60 days to file an answer or other responsive pleading has been tendered for the convenience of the Court.

Respectfully submitted,

GREGORY G. LOCKHART
United States Attorney

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Notice of Substitution was served this 2nd day of April, 2009, electronically on:

Steven Charles Katchman
steven@skatchman.com

s/Nicholas J. Pantel
NICHOLAS J. PANTEL (0021329)
Assistant United States Attorney